

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **11-4471**

IN RE: THE HONORABLE LEON A. KENDALL, Petitioner

(V.I. S. Ct. Misc. No. 2009-00025)

Present: RENDELL, HARDIMAN and VAN ANTWERPEN, Circuit Judges

Submitted are:

- (1) Petitioner's petition for a writ of certiorari and appendix;
- (2) Respondent's brief in opposition thereto;
- (3) Respondent's supplemental appendix;
- (4) Petitioner's reply brief;
- (5) Petitioner's motion for leave to file a supplemental appendix; and
- (6) Petitioner's supplemental appendix in the above-captioned case.

Respectfully,

Clerk

MMW/EGL/nmr

O R D E R

Petitioner's motion for leave to file a supplemental appendix is granted. Petitioner's petition for a writ of certiorari is granted as well. See 3d Cir. LAR 112.1 (2010). The writ is granted with respect to the four issues that petitioner raises in his petition, namely: (1) whether the First Amendment limits the imposition of criminal contempt for statements made in a judge's written opinion and, if so, the scope of the limitation and its application in this case; (2) whether the Virgin Islands Supreme Court erred in imposing criminal contempt on the charges of failure to comply with its mandamus order of May 13, 2009, in In re People of the Virgin Islands, V.I. S. Ct. Civ.

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No. 2009-021; (3) whether the Virgin Islands Supreme Court Justices erred in not recusing themselves from this matter; and (4) whether petitioner impliedly consented, or waived any challenge, to conducting the show cause hearing before a special master and, if not, the propriety of that procedure. This appeal is consolidated with Kendall v. The Daily News Publishing Co., C.A. No. 11-4162, for disposition only.

By the Court,

/s/ Thomas M. Hardiman
Circuit Judge

Dated: April 6, 2012

NMR/cc: Howard M. Cooper, Esq.
 Julie E. Green, Esq.
 Samuel H. Hall, Esq.